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IN THE UNITED STATES DISTRICT COURT

8
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 MIKESHA MARTINEZ, et al.,

No. C 09-02306 CW

12 Plaintiffs,

ORDER DENYING
DEFENDANTS' MOTION
FOR A STAY

13 v.

14 ARNOLD SCHWARZENEGGER, et al.,

15 Defendants.

16 _____ /

17 Defendants move for a stay of the proceedings pending appeal.

18 The Court does not need further briefing on this issue because the
19 question of whether to stay the proceedings is intimately related
20 to the question of whether to issue the preliminary injunction in
21 the first place, and the legal standard for both is the same. The
22 Court has already carefully considered and determined that
23 Plaintiffs are likely to succeed on the merits of their underlying
24 claim, that they are likely to suffer irreparable harm in the
25 absence of preliminary relief, that the balance of equities tips in
26 their favor, and that an injunction is in the public interest. The
27 Court would not have issued a preliminary injunction if it was not
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1 of the opinion that California Welfare and Institutions Code
2 § 12306.1(d)(6) should be enjoined before its scheduled effective
3 date of July 1, 2009. Accordingly, the Court denies Defendants'
4 motion.

5 IT IS SO ORDERED.
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Dated: 6/29/09
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CLAUDIA WILKEN
United States District Judge
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Claudia Wilken